

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES C. BRANDENBURG, as Personal)
Representative for the Estate of Yolanda)
M. Coney,)

Plaintiff/Counter-Defendant,)

v.)

Case No. 4:09-cv-00100 JCH

MANDA DAWN CREIGHTON, as Next)
Friend for A.J.M., a minor,)

Defendant/Counterclaimant.)

JOINT PETITION FOR APPROVAL OF MINORS' SETTLEMENT

COME NOW the parties and hereby jointly request the Court to approve the minor's settlement reached herein pursuant to R.S.Mo. § 507.184, and state to the Court as follows:

1. Manda Dawn Creighton (hereinafter "Creighton") is the natural mother of A.J.M., a minor. Both Creighton and A.J.M. are residents of Collinsville, Illinois.

2. The parties, James C. Brandenburg, as Personal Representative for the Estate of Yolanda M. Coney, and Manda Dawn Creighton, as Next Friend for A.J.M., a minor, are involved in the present litigation for declaratory judgment to determine under 5 U.S.C. Section 8705(a) whether the estate of Decedent's wife (Yolanda M. Coney) or Decedent's minor child (A.J.M.) is entitled to the proceeds of a Federal Employee's Group Life Insurance (hereinafter "FEGLI") policy held by Decedent Rozell William Masden at the time of his death. 5 U.S.C. § 8705(a) governs the distribution of a FEGLI policy when it has not been assigned or no beneficiary has been named at the time of the Decedent's death, as in this case.

3. In order to avoid further litigation expenses, the uncertainty of litigation, and to

bring this matter to a conclusion, the parties have reached a compromise and settlement of all issues.

4. Due to the minority of the Defendant/Counterclaimant, A.J.M., the parties request the Court to hear and approve said settlement.

5. It is the position of the parties that this settlement is fair and reasonable and in the best interests of said minor.

6. The parties request that the Court approve the settlement of this matter by awarding to A.J.M., through her Next Friend, Amanda Dawn Creighton, the proceeds of the FEGLI policy, less \$48,000.00 to be awarded to Plaintiff/Counter-Defendant and less the administrative registry fee set forth in this Court's Order of April 28, 2009 (Doc. No. 18), consistent with the proposed Consent Judgment presented by the parties.

9. Defendant/Counterclaimant has incurred \$14,806.25 in attorney fees as of the date of this motion.

10. Defendant/Counterclaimant has incurred \$3,199.41 in litigation costs.

11. The attorney fees and costs Defendant/Counterclaimant has incurred in this litigation have been paid separately and will not be deducted from the minor's settlement.

12. The parties believe that the settlement is fair and reasonable and in the best interest of the minor. The parties further believe that the litigation costs and attorneys' fees incurred in reaching this settlement are fair and reasonable and in the best interest of the minor child.

13. The parties also request that the Court seal the hearing approving the settlement and any transcript of the proceedings to protect the identity of the minor child.

WHEREFORE, pursuant to R.S.Mo. § 507.184, the Parties pray that the Court approve the above settlement and enter the Consent Judgment which provides for the distribution of the balance of Decedent's FEGLI policy to A.J.M., a minor, through her Next Friend, Manda Dawn Creighton, less \$48,000.00 to be awarded and distributed to Plaintiff/Counter-Defendant and less any administrative registry fee set forth in this Court's Order of April 28, 2009.

Respectfully submitted,

TODD M. BOEHLJE, P.C.

PLEBAN & PETRUSKA LAW,

/s/ Todd M. Boehlje (w/permission)

Todd M. Boehlje, #70982
7730 Carondelet Avenue, Suite 450
St. Louis, Missouri 63105
Telephone: 314-725-3999
Facsimile: 314-725-9277

Attorney for Plaintiff/Counter-Defendant
James C. Brandenburg, as Personal
Representative for the Estate of Yolanda
M. Coney

by: /s/ Lynette M. Petruska

C. John Pleban #4066
Lynette M. Petruska, #15880
2010 S. Big Bend Blvd.
St. Louis, MO 63117
Telephone: 314-645-6666
Facsimile: 314-645-7376

Attorneys for Defendant/Counterclaimant
Manda Dawn Creighton, as Next Friend for
A.J.M., a minor